NOVA SCOTIA DEPARTMENT OF ENVIRONMENT & LABOUR
DOMESTIC FUEL OIL SPILL POLICY

FACT SHEET

Background

The Nova Scotia Department of Environment & Labour is requesting comment on a policy respecting criteria for the assessment, remediation and reporting of domestic fuel oil spills.

The largest proportion of contaminated sites handled by the Department result from petroleum hydrocarbon spills. Most of those petroleum hydrocarbon spill incidents are associated with domestic furnace fuel oil.

Although the Department does not currently regulate the storage aspect of domestic furnace fuel oil tanks, we have requirements associated with the clean-up of the spills. Our current standard for remediation has been Atlantic Risk Based Corrective Action (RBCA). The Department also utilizes a voluntary process, the Guidelines for the Management of Contaminated Sites, to manage contaminated sites. Although, these documents are well suited to the typical petroleum hydrocarbon contamination found at service stations, the department has had difficulty applying them to the domestic spills, which has caused unusually long report review periods for what would be considered small contaminated sites. As such, the Department has developed a draft policy associated with simplifying and streamlining the remediation requirements of domestic fuel oil spills.

Overview

The policy is intended to provide clarification on the minimum requirements for the assessment, remediation and reporting of domestic furnace fuel oil spills in Nova Scotia. The policy clarifies the roles and responsibilities for homeowners, environmental consultants and the department with respect to addressing furnace fuel oil spills. This policy also establishes minimum eligibility requirements for both Certified Cleanup Contractors and Site Professionals.

Written comments on the policy will be accepted up to March 2, 2002. For further information respecting the policy, please contact the following:

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NOVA SCOTIA

Department of Environment & Labour

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Domestic Fuel Oil Spill Policy

PART I - PREAMBLE

Policy Statement

The intent of this policy is to provide guidance for the remediation of furnace fuel oil spills at domestic sites in Nova Scotia

Definitions

"*Domestic Site*" means a site where a fuel oil spill has occurred on a residential use property with less than 3 units. This policy applies to domestic sites with resulting fuel oil spills from petroleum storage tanks of less than or equal to 500 imperial gallons (2250 liters) of capacity.

"*Certified Cleanup Contractor*" means, for the purpose of this policy only, an individual with an appropriate level of combined education and experience in remediation of petroleum hydrocarbon spills (See Appendix E).

"*Site Professional*" means, for the purpose of this policy only, an individual with education to a bachelor's degree level in an appropriate engineering, science or applied science discipline and has a minimum of eight years of general professional practice of which a minimum of five years shall be specific practical experience in all phases of environmental site assessment, development and implementation of remediation plans, compliance monitoring, and contaminated site health and safety (See Appendix E).

"*Managed Site*" means, for the purpose of this policy only, a site where the remedial criteria have been met with the exception of residual contamination located in inaccessible areas (e.g. under footings, utilities, etc.). The Site Professional must justify leaving any impacts in excess of remedial criteria in the Remediation Report. Engineering controls must be designed and installed on these sites to close the appropriate pathways of exposure.

"*Record of Site Conditions for Domestic Fuel Oil Spill*" means a record to be completed by the Certified Cleanup Contractor or Site Professional upon the Department's acceptance of the Remediation Report or Remediation Form For Domestic Fuel Oil Spill. This record is maintained in the Environmental Registry.

"Environmental Emergency" means an emergency situation in which there is a release or an impending release of a contaminant in such quantities that mitigation of the release is beyond the capability of the person responsible because the person responsible lacks the resources, is unknown, or is otherwise unwilling or unable to control and manage the release. Emergency situations include but are not limited to situations where fuel oil has impacted or has the potential to impact potable water supplies, watercourses, municipal storm/sewer systems, and building subfloor areas.

Legislation

The Environment Act, s8(2)(b), states that

> The Minister, for the purposes of the administration and enforcement of this Act, and after engaging in such public review as the Minister considers appropriate, shall establish and administer policies, programs, standards, guidelines, objectives, codes of practice, directives and approval processes pertaining to the protection and stewardship of the environment.

The Environment Act, s(73)(b) also states that

> The Minister may prescribe the concentration, amount, level and rate, including the maximum concentration, amount, level and rate of a substance that may be released into the environment and determine the manner in which a report of a release of a substance is to be made and the contents of the report.

Objectives

The objective of this policy to provide clarification on the minimum requirements for the assessment, remediation and reporting of domestic furnace fuel oil spills in Nova Scotia. This policy also establishes minimum eligibility requirements for both Certified Cleanup Contractors and Site Prof sionals.

Application

This policy applies to all furnace fuel oil related spills at domestic sites in Nova Scotia.

PART II - PROCESS

Notification

1 Notification must be provided to NSDEL or impacted third parties with the following time limits:

- Environmental Emergency - Immediately
- Non emergency - within 10 working days

Roles/Responsibilities

1 The property owner or their insurance company must retain a Certified Cleanup Contractor or Site Professional to manage the assessment and remediation of a domestic fuel oil spill.

2 A Certified Cleanup Contractor may perform the remediation of a domestic oil spill at sites where the contamination has not migrated under the building, off site properties have not been impacted and no potable water supplies are threatened. A Certified Cleanup Contractor must endorse all reports/records submitted to the Department.

3 If a Certified Cleanup Contractor encounters contamination under the building, impacts to off site properties or possible impacts to potable water supplies, a Site Professional must be retained to complete the work. A Site Professional must endorse all reports/records submitted to the Department.

4 Certified Cleanup Contractors and Site Professionals must have liability insurance (Errors and Omissions) with a minimum of $1,000,000 coverage or aggregate, with no environmental exclusion.

Assessment/Remediation Requirements

1 Monitoring wells are required on all sites involving potable groundwater. Monitoring wells may also be required on sites with large spills, sites where offsite impacts are likely or at sites with nearby lakes or watercourses. The Certified Cleanup Contractor or Site Professional must be able rationalize any deviation from this requirement.

2 Until such time that the Certified Cleanup Contractor can show proof of completion of the required Environmental Site Investigation/Remediation Training Course administered by the licensing body (see Appendix E), all monitor well installation work must be supervised by a Site Professional.

3 No person may install a monitoring well within 15.2 meters (50 ft) from any part of an on site septic system or a potable water supply well.

4 Upon completion of any groundwater monitoring requirements, the Certified Cleanup Contractor or Site Professional must submit a well abandonment plan to the department for review. All well abandonment work must be supervised by a NSDEL Certified Well Contractor.

5 The following remedial criteria shall be applied to all fuel oil spills of domestic sites:

Soil:

Total Petroleum Hydrocarbon (TPH):	60 mg/kg
Benzene:	0.005mg/kg
Toluene:	0.06mg/kg
Ethyl Benzene:	0.015mg/kg
Xylene:	1.8mg/kg

Potable Groundwater:

Total Petroleum Hydrocarbon (TPH):	1.1mg/l
Benzene:	0.005mg/l
Toluene:	0.024mg/l
Ethyl Benzene:	0.0024mg/l
Xylene:	0.3mg/l

** The Atlantic RBCA laboratory method must be used for all laboratory analysis
** Non-aqueous phase liquids (NAPL) must not be present in groundwater and soils must not contain liquid or free product.
*** These remedial criteria apply to situations involving a standard concrete foundation or slab in good condition. If the site has no foundation/slab or one in poor condition, remediation must include installation of a vapour barrier and concrete foundation.

6 A homeowner may utilize the Atlantic RBCA process in place of the Domestic Fuel Oil Spill Remediation Criteria to evaluate a site, however, the use of the Tier I Look Up tables and Tier II risk assessments for domestic fuel oil spills, will not be accepted unless full phased site assessments are performed on the properties. Full environmental site assessments must be performed by a Site Professional. Minimum criteria for environmental site assessments are provided in the Atlantic RBCA Reference Documentation For Petroleum Impacted Sites, Version 1.0.

7 Off site impacts from a domestic site must be remediated to the remedial criteria of this policy. Alternatively, third party impacts may be assessed utilizing the Atlantic RBCA process (including Tier I Look Up table and the Tier II risk assessment approach) or managed through the use of a Managed Site approach, providing written agreement is acquired from the affected third parties.

8 When a domestic site spill results in impacts to a neighboring commercial property, the following remedial criteria will apply to the impacts of the commercial site:

Soil:

Total Petroleum Hydrocarbon (TPH):	90 mg/kg
Benzene:	0.005mg/kg
Toluene:	0.06mg/kg
Ethyl Benzene:	0.015mg/kg
Xylene:	1.8mg/kg

Potable Groundwater:

Total Petroleum Hydrocarbon (TPH):	1.8 mg/l
Benzene:	0.005mg/l
Toluene:	0.024mg/l
Ethyl Benzene:	0.0024mg/l
Xylene:	0.3mg/l

** The Atlantic RBCA laboratory method must be used for all laboratory analysis
** Non-aqueous phase liquids (NAPL) must not be present in groundwater and soils must not contain liquid or free product.
*** These remedial criteria apply to situations involving a standard concrete foundation or slab in good condition. If the site has no foundation/slab or one in poor condition, remediation must include installation of a vapour barrier and concrete foundation.
****The Site Professional must ensure that off site criteria is met in the future by demonstrating that the plume is declining or at steady state.

9 In the case where a commercial property furnace oil spill has impacted an off site residential property, the off site impacts of the residential property must be remediated to the remedial criteria of this policy. Alternatively, third party impacts may be assessed utilizing the Atlantic RBCA process (including Tier I Look Up table and the Tier II risk assessment approach) or managed through the use of a Managed Site approach, providing written agreement is acquired from the affected third parties.

10 The Contaminated Site Close-Out Sampling Procedures as detailed in Appendix A is considered the minimum standard in determining the amount and location of close-out sampling.

Reporting Requirements

1 The Certified Cleanup Contractor must complete the Remediation Form for Domestic Fuel Oil Spill and submit it to the Department within 10 working days of completion of remedial activities. Upon acceptance of the Remediation Form by the Department, the Certified Cleanup Contractor will complete and submit to the Department a "Record of Site Conditions for a Domestic Fuel Oil Spill (Form B)" within 20 working days.

2 The Site Professional must submit a Remediation Report to the Department which includes the following information:

- Site Location including civic address and property identification number
- Land uses, buildings and underground services associated with the on site property and any off site properties located within 150m of the spill
- Estimated quantity of the release and time frame of spill
- Identification of any off site impacts
- Evaluation of groundwater usage (current and reasonable foreseeable future)
- Any surface water bodies or water courses within 150m of the spill
- Surface drainage pattern
- Approximate groundwater flow regimes
- Figure/map identifying the property infrastructure, spill delineation, monitoring well locations and location of all sampling points
- Potential receptors both on and off site
- Delineation of contamination in three dimensions
- All sampling laboratory analysis results
- Test pit and borehole logs
- All monitoring well laboratory analysis results
- Well abandonment details

3 In the case of inaccessible impacted soils, the Site Professional must justify leaving any residual contamination which exceeds the remedial criteria. As such, for Managed Sites, the Site Professional must also provide the following information in the Remediation Report:

- Volume and location of impacted soils exceeding remedial criteria
- Treatment systems explored to remediate the impacted soils
- Comments from structural engineer regarding removal of impacted soils beneath footings or foundations
- Qualitative evaluation of applicable exposure pathways
- An explanation of how the potential health risks to receptors have been addressed
- Details regarding necessary monitoring program and provision of all monitoring results
- Conditions or restrictions associated with necessary engineering controls

4 In the case of a Managed Site, a Site Professional must develop and submit the Remediation Report and Record of Site Conditions for Domestic Fuel Oil Spill. The Site Professional must include proof of insurance coverage as part of their reporting requirements to the Department.

5 The conditions associated with the maintenance of the engineered controls of a Managed Site shall be included in the "Record of Site Conditions for a Domestic Fuel Oil Spill".

6 Upon acceptance of the Remediation Report by the Department, the Site Professional will complete and submit to the Department a "Record of Site Conditions for a Domestic Fuel Oil Spill (Form A)" within 20 working days upon receiving acceptance of the Remediation Report from NSDEL.

7 The Site Professional must issue a Record of Site Conditions for Domestic Fuel Oil Spill for closure of the affected third party property within 20 working days upon receiving acceptance of the Remediation Report from NSDEL.

References:

The following documents should also be referenced:

1) Interim Procedure for the Implementation of Risk Based Corrective Action (RBCA) for the Management of Petroleum Hydrocarbon Contaminated Sites, dated October 26, 2000.
2) Emergency Spill Regulations (NS Reg. 59/95)

Inquiries

Inquires with respect to this policy should be directed the local regional office of the Department of Environment and Labour.

LIST OF APPENDIXES

APPENDIX A	Contaminated Site Close Out Sampling Procedures
APPENDIX B	Record of Site Condition (Form A)
APPENDIX C	Remediation Form/Record of Site Condition (Form B)
APPENDIX D	Domestic Fuel Oil Spill Fact Sheet for Homeowners
APPENDIX E	Minimum Eligibility Requirements for Certified Cleanup Contractor/Site Professional

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APPENDIX A
Contaminated Site Close Out Sampling Procedures

CONTAMINATED SITE CLOSE-OUT SAMPLING PROCEDURES

SOILS

Minimum Verification Sampling Requirements for Excavation Floors and Sidewalls*		
Floor Area (m^2)	Floor Samples**	Sidewall Samples*
<25	1	1
25-50	1	2
50-100	2	2
100-250	2	4
250-500	3	5
500-750	3	6
750-1000	4	7

The above table is not to be used to determine number of assessment samples.

* For excavations less than 1m depth, no sidewall samples are needed; for excavations deeper than 4m, and for areas greater than 1000m^2, site specific verification (and compliance) requirements are needed.

** All floor and sidewall sampling should represent composite sampling comprised of 3 subsamples per composite requirement.

GROUNDWATER

The following procedure is to be followed upon the decommissioning of a groundwater remediation system or a groundwater monitoring program at a contaminated site:

1. Ensure that the current groundwater usage is in accordance with the proposed remediation objectives.
2. Record the necessary documentation to confirm compliance with the remediation criteria including the most recent suite of analytical results.
3. A post monitoring schedule is to be implemented which will include groundwater sampling (as a minimum) during the following timeframes over a one year period:
   - One full round during the recharge period in the Spring or Fall
   - One full round during low flow time in July/August
4. All post decommissioning monitoring data is to be recorded for review after monitoring is completed.
5. Ultimately, all monitoring wells and other access points should be properly abandoned.

Note: The above close-out sampling procedures shall commence only after remediation activities are completed to the appropriate guidelines and objectives for the site.

APPENDIX B
Record of Site Condition (Form A)

Form A

Record of Site Conditions for Domestic Fuel Oil Spill

(Site Professional)

****Note for the purpose of this document only, site is defined as the area of the domestic fuel oil spill. Site is not the full property.

Site Information

Property Civic Address:

Property Identification number:

Property Owner:

Person Responsible (if different from above)

Company (Name, Mailing Address and Telephone Number):

Source Property Owner (Name, Civic Address):

Site Professional

Company Name, Contact Name, Mailing Address:

Prescribed Wording

1. The Department was notified of a domestic fuel oil spill on _____

2. Site assessment, remediation and management upon which this record relies has been overseen by the undersigned Site Professional.

3. All reports related to the domestic fuel oil spill have been provided to the person responsible The property owner has been advised to retain these documents for

permanent record and disclose such information in future property transactions.

4. The site assessment, remediation and management have been performed in accordance with the Domestic Fuel Oil Spill Policy, dated _____

5. Remediation of the domestic fuel oil spill has been performed and the following criteria have been met:

   ☐ Remedial criteria as defined in the Domestic Fuel Oil Spill Policy, dated_____, or

   ☐ In all areas accessible to remediation, the remedial criteria as defined in the Domestic Fuel Oil Spill Policy, dated_____ have been met, however, residual contamination in excess of the remedial criteria set out above, remain _____. Engineering controls have been installed to close the pathways of exposure. The following conditions must be maintained on the property:

   _____

   _____, or

   ☐ The Atlantic Risk Based Corrective Action (RBCA) Tier _____ approach was used to assess and manage the spill. The following remedial objectives have been met:

   _____

   _____

   _____

Signature of Site Professional:_____

Date: _____

APPENDIX C
Remediation Form/Record of Site Condition (Form B)

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Remediation Form
For Domestic Fuel Oil Spill

The following document must be completed by the Certified Cleanup Contractor who performs the remediation of a domestic fuel oil spill and submitted to NSDEL within 10 working days. If it is determined during the course of the remedial work that impacts exist under a building, have migrated to off site properties, or threatens potable water supplies, NSDEL should be notified immediately and the Certified Cleanup Contractor should inform the person responsible that the services of a Site Professional are required to oversee or complete the work.

Site Information

Property Civic Address:

Property Identification Number:

Property Owner:

Person Responsible (if different from above)

Company (Name, Mailing Address and Telephone Number):

Other (Name, Civic Address)

Certified Cleanup Contractor

Name of Certified Cleanup Contractor:

Name of Company:

Certified Cleanup Contractor Mailing Address: Phone Number:

Attach proof of liability insurance:

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Site Conditions

1) Location of contamination on property

- ☐ Above ground
- ☐ Below ground
- ☐ On native soil
- ☐ On paved surface
- ☐ Inside building
- ☐ Outside building
- ☐ Near foundation
- ☐ Near catchbasin or storm sewer
- ☐ Near ditch
- ☐ Near structures such as power poles, transformers, etc. (Specify:_____)

2) Type of Foundation or Slab and Integrity

- ☐ Concrete
- ☐ Concrete block or brick
- ☐ Earthen floor
- ☐ Sump
- ☐ Other(describe)_____

3) Describe condition of foundation/slab:_____

_____

4) Amount and duration of release?

Liters _____ Gallons_____

Duration of Release ☐ Hours ☐ Days ☐ Weeks ☐ Other specify:_____

5) Has the spill migrated under the building?

☐ Yes ☐ No

6) How much contaminated soil was removed?

yd^3_____ ft^3_____ m^3_____ Tonnes_____

7) Where was the contaminated soil taken for treatment and disposal?

_____

8) Neighboring property land use?

☐ residential ☐ commercial ☐ other (specify)_____
☐ industrial ☐ agricultural

9) Is there evidence of vapours entering the building?

☐ Yes ☐ No ☐ Unknown

10) Has the neighboring property been impacted?

☐ Yes ☐ No ☐ Potential Impact

11) Are there potable groundwater supplies in the area?

☐ No ☐ Yes Approximate distance_____

12) Is the property impacted by the spill located in an area serviced by municipal water?

☐ Yes ☐ No

13) What is the source of municipal water supply?

☐ groundwater ☐ surface water

14) Is there evidence of groundwater contamination?

☐ No ☐ Yes ☐ Unknown

15) Is there an on site sewage disposal system in the area?

☐ No ☐ Yes Distance from source_____

16) Attach a copy of all close-out sampling results for the remediation and provide a sketch of the spill in relation to the other infrastructure located on the property.

17) Attach a copy of well abandonment details including name of Certified Well Contractor, physical dimensions of well (s) before abandonment, materials and quantities used for the abandonment, depths measured during placement of grout, details of abandonment at the top of the well(s), source of clean fill used (if applicable)

Based on the information collected with respect to the criteria detailed in this site remediation, are the services of a Site Professional required to further evaluate the extent of the contamination?

☐ NO ☐ YES

If the answer to the above question is NO then, the attached "Record of Site Condition for a Domestic Oil Spill (Form B)" should be submitted to the department upon confirmation of acceptance of the Remediation Form from NSDEL.

Signature of Certified Cleanup Contractor _____

Attach sketch of Property and spill location:

Form B

Record of Site Conditions for Domestic Fuel Oil Spill

(Certified Cleanup Contractor)

****Note for the purpose of this document only, site is defined as the area of the domestic fuel oil spill. Site is not the full property.

Site Information

Property Civic Address:

Property Identification number:

Property Owner:

Person Responsible (if different from above)

Company (Name, Mailing Address and Telephone Number):

Other (Name, Civic Address)

Certified Cleanup Contractor

Name of Certified Cleanup Contractor:

Name of Company:

Certified Cleanup Contractor Mailing Address: Phone Number:

Prescribed Wording

1. The Department was notified of a domestic fuel oil spill on _____

2. Remediation upon which this record relies has been overseen by the undersigned Certified Cleanup Contractor.

3. A completed Remediation Form for Domestic Fuel Oil Spill has been provided to the person responsible and the owner of the property identified in this record. The property owner has been advised to retain this document for permanent record and disclose such information in future property transactions.

4. Remediation has been performed in accordance with the Domestic Fuel Oil Spill Policy, dated _____

5. The remedial criteria as defined in the Domestic Fuel Oil Spill Policy, dated_____ have been met.

Signature of Certified Cleanup Contractor:_____
Date: _____

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APPENDIX D
Domestic Fuel Oil Spill Fact Sheet for Homeowners

NOVA SCOTIA
Department of Environment & Labour

Domestic Fuel Oil Spill
Fact Sheet for Home Owners

Definition

A petroleum product spill or leak is considered a release of a contaminant under the "Environment Act".

When a release of petroleum occurs there is the potential for contamination of soil and groundwater which may affect private wells, drinking water supplies, or adjacent properties. Releases may also result in the presence of petroleum vapors at concentrations that may effect the health of some individuals. If a homeowner or occupant has concerns regarding health effects due to exposure, they should consult their family physician or the local Medical Officer of Health.

A simple furnace oil clean up can mean replacing the leaking tank and supply lines and removing contaminated soil to treatment facilities. A complex project may mean replacing the house foundation and treating groundwater. Costs can range from several hundred dollars to several hundred thousand dollars.

The person responsible for a fuel oil spill may include an individual such as the home owner or occupant, or a company, such as the fuel supplier. The person responsible for the spill, is accountable for the costs associated with any emergency action, site assessment and/or remediation deemed necessary.

Home owner/Occupant Responsibilities

Once a spill has occurred the home owner or occupant responsibilities include, but are not limited, to the following actions:

- Contain the spill, if possible, to the best of your ability. This may include construction of a small berm, placement of absorbant material (such as cat litter) and/or contacting the fuel company to have residual fuel in the tank removed.
- Contact the local municipal works department if the spill has entered a municipal sewer through a floor drain.
- Under the Environment Act and the Emergency Spill Regulations, you are required to report a spill of furnace oil which is equal to or exceeds 22 imperial gallons (100 liters). Also, you are required to report spills involving less than this quantity if they may potentially cause an adverse effect.
- Adverse effect is often difficult to determine. There are four primary questions used to determine potential for adverse effect. Will the spill threaten drinking water supplies? Are there any streams or lakes nearby? Are there any vapors within the building? Has the spill impacted neighboring properties? If you answer yes to any of these questions, you have the potential for adverse effect and should notify the Department of the spill.

- If you are unable to determine if there is the potential for adverse effect, then you should err on the side of caution and contact NSDEL.
- Contact the local office of Nova Scotia Department of Environment and Labour (NSDEL) when required to report a spill. If the spill has occurred between the hours of 4:30pm and 8:30 am call 1-800-565-1633. You are required to notify NSDEL of a reportable spill as soon as you become aware of the release.
- Contact your insurance company. Where the property is insured, the insurance company may cover all or a portion of the clean up costs. If you are a home owner with insufficient insurance coverage and are the person responsible for the spill, you are liable for the clean up costs.
- In cases where the spill is reportable, the person responsible should hire a Certified Cleanup Contractor or Site Professional to assess the site and manage the clean up. Contact the local office of the NSDEL for information on locating a Certified Cleanup Contractor or Site Professional.

Nova Scotia Department of Environment and Labour (NSDEL) Responsibilities

Although, NSDEL does not conduct the actual clean up of the property, we are responsible to ensure the work has been performed in accordance with departmental requirements. NSDEL has the authority to direct a person responsible, to contain or clean up the affected area to current remediation standards.

If the spill is reportable and the person responsible has not acquired the services of a Certified Cleanup Contractor or Site Professional, NSDEL will advise the person to do so.

Where emergency action is required, the responsible person may be ordered to complete the clean up within a specified time frame. For this initial emergency action, the responsible person may choose to hire a contractor to contain the release.

Certified Cleanup Contractor/Site Professional Responsibilities

In cases, where the environmental impact **does not** extend under a building, impact another property, or impact a potable water supply, the person responsible may use the services of a Certified Cleanup Contractor, who will:

- simply excavate the contaminated soil.
- dispose of the material at an approved facility.
- submit a completed remediation form within 10 working days to the department containing a summary of the estimated volume of the spill, quantity of material removed and disposal location.

In all other cases, the person responsible will require the services of a Site Professional. Once a Site Professional has evaluated the condition of the property, a report must be submitted to NSDEL detailing the extent of contamination and the proposed method of remediation for the property. NSDEL will review this report and determine if the remedial action satisfies departmental requirements.

A record of the incident will be maintained with the Department.

Appendix E
Minimum Eligibility Requirements for Certified Cleanup Contractor/Site Professional

Nova Scotia Department of Environment and Labour

Domestic Fuel Oil Spill Policy
Standards for Minimum Eligibility Criteria for Registry as a Certified Cleanup Contractor or Site Professional

I PURPOSE

This document provides minimum eligibility criteria as established by the Nova Scotia Department of Environment and Labour for Certified Cleanup Contractors and Site Professionals in the province of Nova Scotia as defined under the *Domestic Fuel Oil Spill Policy*.

II BACKGROUND

Under the Domestic Fuel Oil Spill Policy, sites must be assessed and/or remediated by either a Certified Cleanup Contractor or a Site Professional. The Nova Scotia Department of Environment and Labour (NSDEL) has developed a framework in order to register Certified Cleanup Contractors and Site Professionals. The following sections details registration eligibility requirements.

III APPLICATION

1.0 Certified Cleanup Contractor/Site Professional

a) A Certified Cleanup Contractor is required to be registered in order to assess and remediate hydrocarbon impacts resulting from domestic fuel oil spills under the *Domestic Fuel Oil Spill Policy*. Certified Cleanup Contractors are limited to remediating sites where the impacts do not exist under dwellings, do not impact off site properties, and do not threaten potable water supplies.

b) A Site Professional is required to be registered in order to assess, remediate, or manage hydrocarbon impacts resulting from domestic fuel oil spills under the *Domestic Fuel Oil Spill Policy*.

2.0 Registration - Eligibility Requirements

(a) Certified Cleanup Contractors

Persons presently certified as a Petroleum Storage System Installer may be eligible for registration as a Certified Cleanup Contractor as defined in the Domestic Oil Spill Policy provided they:

(i) make application with a department approved licensing body (to be established) to be registered as a Certified Cleanup Contractor,

(ii) make provision to attend the Certified Cleanup Contractor's two day Environmental Site Investigation/Remediation Course for Certified Cleanup Contractors before Dec 31, 2003.

(iii) submit a list detailing sites they have worked on since Jan 1, 1997 or submit an

up-to-date *Underground Petroleum Storage Tank Installers Licensed Log Book.*

(b) Site Professionals

Persons presently acting as "Site Professionals" under the department's *"Guidelines for the Management of Contaminated Sites in Nova Scotia"* may be eligible for registration as a Site Professional as defined in the *Domestic Fuel Oil Spill Policy* provided they:

(i) make application with a department approved licensing body (to be established) to be registered as a Site Professional and,

(ii) are licensed by the Association of Professional Engineers of Nova Scotia or an existing licensing body authorized in writing by the NSDEL Director of Environmental and Natural Areas Management (or Alternate).

Persons who do not meet the above mentioned eligibility requirements are required to register as new entries (Section 3.0).

3.0 Registration - New Entries

a) Certified Cleanup Contractor

No person seeking registration as a Certified Cleanup Contractor shall be registered unless that person has successfully:

(i) completed the Certified Cleanup Contractor's two day Environmental Site Investigation/Remediation Course for Certified Cleanup Contractors,

(ii) passed the Registration Exam for Certified Cleanup Contractors and

(iii) provided references demonstrating they have experience with the remediation of hydrocarbon impacted sites

(b) Site Professional

No person seeking registration as a Site Professional Person shall be registered unless that person can successfully demonstrate they have:

(i) education to a bachelor's degree level in an appropriate engineering, science or applied science discipline and

(ii) a minimum of eight years of general professional practice of which a minimum of five years shall be specific practical experience in all phases of environmental site assessment, development and implementation of remediation plans, compliance monitoring, and contaminated site health and safety.

4 0 Applications

No person seeking registration shall be allowed to be registered unless the application is complete and the associated work experience/educational reference documentation are judged satisfactory by NSDEL or the liscensing body.

Also, applicants must be able to obtain liability insurance (Errors and Omissions) with a minimum of $1,000,000 coverage or aggregate, with no environmental exclusion. The Certified Cleanup Contractor

or Site Professional must include proof of insurance coverage as part of their reporting requirements (Remediation Report/Form) to the Department.

5.0 Fees

In addition to meeting the requirements above there may be administrative charges associated with the writing of examinations, the taking of courses, registration fees, and renewal fees, which will be set by the department approved licensing body and revised from time to time.

6.0 Restricted Registration

NSDEL and/or the licensing body reserves the right to restrict registration to those persons whom NSDEL or the licensing body considers competent and qualified.

7.0 Disciplinary Action

Any registered Certified Cleanup Contractor or Site Professional who does not adhere to the procedures set forth in the *Domestic Fuel Oil Spill Policy* may be subject to disciplinary actions by either NSDEL or the licensing body.

Any Certified Cleanup Contractor (described in Section 3(a)(ii)) who has not completed the required training by December 31, 2003 will have their registration revoked.

8.0 Lists

An list of registered Certified Cleanup Contractors and Site Professionals will be maintained by the licensing body. The list can be obtained by visiting one of the department's offices, by calling a local department office, or by visiting the NSDEL website at www.gov.ns.ca/envi/.

The lists will be updated as required on a regular basis to reflect any changes to the status of registered persons. Any disciplinary actions which result in the revocation of a persons registry will be posted.